-REMARKS/ARGUMENTS-

Claims 1 to 18, 21 and 22 remain in the application.

Regarding the Examiner's comments on Figure 2, Applicants enclose, for the Examiner's reconsideration, a copy of Figure 2 that was submitted on June 18, 2002. The Examiner's attention is drawn to the fact that the post segment 20 has the same diameter as the socket member 28 and that the post segment 20 and the socket member 28 are in an abutting end-to-end relationship. The beginning of the post segment 20 and the end of the socket member 28 can be ascertained by the different hatching used for the post segment 20 and the socket member 28. Reference numeral 34 points to the trailing end of the socket member 28 at the interface with the leading end of the post segment 20. Note the difference in hatching above and below reference numeral 34. Reference numeral 36 clearly points to the leading end of the socket member 28, as disclosed in the specification.

Figure 2 also clearly shows that the connector 24 extends within the socket 28 and the post segment 20. The hatching of the connector 24 is in the same direction as that of the protective sleeve 26. Finally, Figure 2 shows that the trailing end 30 of the protective sleeves 26 is flush with the trailing end 34 of the socket member 28. Indeed, the Examiner will appreciate that the hatching of the socket member 28 and the protective sleeve 26 is inclined in opposed directions and that these two hatched sections end at the same level.

Claims 1 to 18, 21 and 22 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. According to the Examiner, the specification does not provide support for and the originally-filed disclosure does not appear to have presented any provision for "...for allowing said socket member to move deeper into said outer sleeve in the event hat an obstacle is encountered while said footing is being driven into the ground".

Applicants have cancelled this limitation from claims 1, 10 and 21. However, it is respectfully submitted that the disclosure teaches driving the socket member 28 into the protective sleeve 26 and this clearly implies that the socket member 28 can be moved axially into the protective sleeve 26. Furthermore, from Figure 2, it can be appreciated that the inner section of the outer sleeve 26 is configured to permit the socket member 26 to be further inserted into the outer sleeve 26. One skilled in the art would understand that in the event that an obstacle is encountered while hammering the socket member 28 and the protective sleeve 26 into the ground, the protective sleeve 26 will absorb the shock and the socket member 28, as a result of the collision, will further penetrate into the sleeve 26.

Claims 10, 11, 14 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. Applicants' present invention is directed to a new means for protecting, during insertion into the ground, the piece of a post footing that will receive the above-ground post segments of the post. In Hall et al., the piece that is driven into the ground and which receives the above-ground post segment is the lower shaft 12. If the lower shaft 12 encounters an obstacle while being driven into the ground and, as a result, is subject to a deformation, such a deformation might subsequently prevent insertion of the intermediate shaft 17 into the lower shaft 12. Hall et al. do not provide any solution to this particular problem. In contrast, Applicants' present invention teaches protecting, during implantation, the footing piece that will receive the other post segments by placing that footing piece in an axially non-interfering relationship within the protective sleeve so that, in the event an obstacle is encountered in the ground while driving the protective sleeve and the footing piece into the ground, only the protective sleeve will absorb the shock, thereby preventing the footing piece from being deformed. This can be clearly inferred from Figure 2.

It is respectfully submitted that the outer shaft 12 cannot be viewed as the claimed "outer protective sleeve" since, in Hall et al., it is the outer shaft 12 that serves as a socket for receiving the above-ground post segments and which, thus, more closely corresponds to the claimed "socket member". It is also respectfully submitted that the

intermediate shaft 17, which the Examiner considers to be equivalent to the claimed "socket member", is not a footing piece and is not driven into the ground, as claimed in independent claims 1, 10 and 21. Applicants' present invention is clearly limited to a post footing adapted to be driven into the ground. The only piece that can be viewed as a footing in Hall et al. is the lower threaded shaft 12 and that piece does not include an outer protective sleeve and a socket member, as claimed.

Claims 10, 11, 14 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Brownell.

Turning to Brownell, it is respectfully submitted that the connector 16 is not axially inserted into the post segment and the socket member, as recited in claim 1. Furthermore, one skilled in the art would understand that the second tube 25 is solely hammered into the first tube 22 once the first tube 22 has been inserted into the ground. Indeed, the prongs 29 would otherwise interfere with the planting of the post into the ground. Therefore, the first tube 22 cannot be viewed as an outer protective sleeve for protecting the tube 22a during implantation, as recited in independent claims 1, 10 and 21. Furthermore, as stated at column 4, lines 1 to 14, the second support tube 25 defines a cavity 32 for complementarily receiving a first support tube projection 33. With such a structure, the impact would be directly transmitted to the second support tube 25, which is exactly what the present invention is aiming to avoid. Brownell does not teach a protective sleeve extending beyond a socket member and defining a free space extending axially below the socket member, as recited in independent claims 1 and 10. Furthermore, the tubes 22 and 25 are not received in an axially non-interfering relationship, as recited in independent claim 1. Again, these limitations are at least clearly supported by Figure 2 of the application, as filed.

Claims 10, 11 and 19 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Aberle.

Aberle's extension tube 30 does not protect the body portion 12 in that in the event that an obstacle is encountered while the ground pocket support 10 is driven into the

ground, the impact on the tube 30 will be transmitted directly to the body portion 12 because of the presence of the rim 26 and the fasteners 38. The tube 30 does not provide a free space extending axially below the socket member for absorbing the shock, as recited in claims 1 and 10.

Furthermore, it is respectfully submitted that the body portion 12 is not received in an axially non-interfering relationship within the extension tube 30, as recited in claim 1.

Claims 10, 11, 12, 14 and 19 stand rejected under 35 U.S.C. 102(a) as being anticipated by Krinner.

It is respectfully submitted that Krinner's anchoring device is drilled into the ground (see column 4, lines 61 to 67) and, thus, it is not forcibly driven into the ground, whereby it does not require the kind of protection for which Applicants' present invention has been conceived. The shoulder 20 will obviously transfer any impact on tubular section 6 to member 16. The tubular section 6 does, thus, not absorb the shock in order to prevent the tubular section 6 from being damaged while being driven into the ground. Krinner fails to teach or to suggest placing a socket member in an axially non-interfering relationship within an outer protective sleeve.

Claims 10, 11, 14, 15, 16 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Connors.

It is respectfully submitted that Connors core 7 does not form a part of the footing of the post members 1 and 2. Therefore, Connors cannot disclose the presently claimed invention. Furthermore, according to Connors, the post members 1 and 2 and the core 7 are rigidly connected to each other, whereby any impact on the members 1 and 2 will be transmitted to the core 7. Connors fails to teach a socket member that is protected against deformation, while being implanted into the ground by a protective sleeve into which the socket member is received in an axially non-interfering relationship.

In view of the foregoing, independent claims 1 and 10 are believed clearly patentable over the art made of record.

No new matter has been introduced into the application by way of this amendment. Indeed, from Figure 2, it is clear that the outer sleeve 26 defines a free space extending axially below the socket member 28 and into which the socket member is engaged in an axially non-interfering relationship.

Independent claim 21 is believed patentable as including all the limitations of former claim 8, which has already been indicated as allowable by the Examiner.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version With Markings To Show Changes Made".

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

LAPOINTE, Jean et al.

By:

November 26, 2002
Date

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Encl. - Version with Markings
- 1 sheet of Drawings (Figs. 1 & 2)
- Request for Continued Examination

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

MICHEL SOFIA, Reg. No. 37,017
Name of person signing certification

Signature

November 26, 2002
Date

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 10 and 21 have been amended as follows:

1. (twice amended) A post comprising a footing adapted to be driven into the ground, said footing including a socket member that is protected against deformation while being implanted into the ground by an outer sleeve, said outer sleeve having trailing and leading ends, said leading end being adapted to be forcibly driven into the ground in response to a driving force applied to said trailing end, said socket member being received in an axially non-interfering relationship within said outer sleeve with said leading end of said outer sleeve extending beyond said socket member so as to define a free space extending axially below said socket member for absorbing the shock ~~for allowing said socket member to move deeper into said outer sleeve~~ in the event that an obstacle is encountered while said footing is being driven into the ground, thereby preventing the socket member from being damaged, an elongated post segment, and a connector axially inserted into said elongated post segment and said socket member for joining said post segment and said footing together in an end-to-end relationship.

10. (twice amended) A footing for holding a post segment above a ground surface, comprising a socket member that is protected against deformation while being implanted into the ground by an outer sleeve, said outer sleeve having trailing and leading ends, said leading end being adapted to be forcibly driven into the ground in response to a driving force applied to said trailing end, said socket member being held within said outer sleeve with said leading end of said outer sleeve extending beyond said socket member so as to define a free space extending axially below said socket member for absorbing the shock ~~for allowing said socket member to move deeper into said outer sleeve~~ in the event that an obstacle ~~be~~ is encountered while said footing is being driven into the ground, thereby protecting the socket member against deformation, wherein said socket member defines a socket adapted to receive a post structural member once said footing has been installed in the ground.

21. (twice amended) A post comprising a footing adapted to be driven into the ground, said footing including a socket member that is protected against deformation while being

implanted into the ground by an outer sleeve, said outer sleeve having trailing and leading ends, said leading end being adapted to be forcibly driven into the ground in response to a driving force applied to said trailing end, said socket member being received within said outer sleeve with said leading end of said outer sleeve extending beyond said socket member ~~for allowing said socket member to move deeper into said outer sleeve~~to absorb the shock and thereby protect the socket member in the event that an obstacle is encountered while said footing is being driven into the ground, ~~thereby preventing the socket member from being damaged,~~ an elongated post segment, and a connector axially inserted into said elongated post segment and said socket member for joining said post segment and said footing together in an end-to-end relationship, further including at least one stabilizer removably fitted over said outer sleeve to provide lateral stability to said post, wherein said stabilizer includes a pair of strips having slots defined therein for allowing said strips to be inserted one into the other about said outer sleeve.